

9 FAM 42.67 PROCEDURAL NOTES

(TL:VISA-421; 06-03-2002)

9 FAM 42.67 PN1 EXECUTING THE IMMIGRANT VISA APPLICATION

(TL:VISA-421; 06-03-2002)

When the consular officer is satisfied that the application, including any necessary corrections, represents the applicant's complete answers to the questions asked, the applicant must sign the application before the officer. The officer shall then administer the oath, sign the application, and indicate consular title in the designated place. The applicant must sign the way the applicant normally signs in the script or characters of the applicant's own language. If the applicant's normal signature is in other than the Roman alphabet and the applicant is capable of it, the applicant may also add the signature in the Roman alphabet.

9 FAM 42.67 PN2 ADMINISTERING OATH OR AFFIRMATION

(TL:VISA-59; 05-15-1992)

The consular officer shall stand, raise the right hand, and ask the applicant to do the same. The officer shall then repeat the following words:

"Do you solemnly swear that the statements made by you in this application and interview are true and correct to the best of your knowledge, so help you God?" The applicant shall swear, "I do."

In administering an affirmation, the procedure is the same but the words shall be varied as follows:

"Do you sincerely affirm that the statements made by you in this application and interview are true and correct to the best of your knowledge."

9 FAM 42.67 PN3 IF ADVISORY OPINION REQUIRED

(TL:VISA-421; 06-03-2002)

If an advisory opinion is to be obtained from the Department in a particular case, the consular officer shall refuse the visa under INA 221(g), retaining Form DS-230 Parts I and II, Application for Immigrant Visa and Alien Registration, and each relevant document for the A-Z file. The post shall include the file copy of the advisory opinion request or, if the request is classified, cross-reference the file copy. In a case where an advisory opinion is being sought, the application fee is valid until a final decision is reached and the post shall not charge a new application fee. (See 9 FAM 42.67 N2.)

9 FAM 42.67 PN4 ISSUANCE FEE PAYMENT

(TL:VISA-185; 02-26-1999)

Upon completion of the interview, the consular officer shall inform the applicant whether or not a visa will be issued and, if so, direct the applicant to the cashier for payment of the \$65.00 issuance fee. (See 9 FAM 42.81 Regs/Statutes and 9 FAM 42.81 Notes if a visa is refused.)

9 FAM 42.67 PN5 FINAL ACTION

9 FAM 42.67 PN5.1 Issuing or Refusing Visa

(TL:VISA-185; 02-26-1999)

Once an application has been executed, the consular officer must either issue the visa or refuse it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she shall inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available. (See 9 FAM 42.81 Procedural Notes for the refusal procedure and 9 FAM 40.6 Exhibit I for waiver relief.)

9 FAM 42.67 PN5.2 Issuing Visa

(TL:VISA-59; 05-15-1992)

After the alien pays the issuance fee, the post shall prepare Form OF-155-B,

Immigration Visa and Alien Registration. The post shall attach Form DS-230 I and II, Application for Immigrant Visa and Alien Registration and supporting documents thereto. The correct procedure for attaching documents to Form OF-155-B is outlined in 9 FAM 42.73 PN4. The issuing officer shall then sign the visa. The post shall hand the signed visa, with all the documents properly attached, to the alien.

9 FAM 42.67 PN5.3 Issuance Procedures

(TL:VISA-59; 05-15-1992)

See 9 FAM 42.73 Related Statutory Provisions and 9 FAM 42.73 Notes.

9 FAM 42.67 PN5.4 Visa Refusals

(TL:VISA-59; 05-15-1992)

See 9 FAM 42.81 Related Statutory Provisions and 9 FAM 42.81 Notes.

9 FAM 42.67 PN6 TERMINATING REGISTRATION UNDER INA 203(G)

(TL:VISA-32; 05-30-1990)

See 9 FAM 22 CFR 42.83 Related Statutory Provisions.

9 FAM 42.67 PN7 FINGERPRINTING VISA APPLICANTS

9 FAM 42.67 PN7.1 Submitting Fingerprints to the FBI

9 FAM 42.67 PN7.1-1 Processing Time

(TL:VISA-421; 06-03-2002)

Most newly submitted fingerprint cards are processed within two to three days although the processing time can be up to four weeks.

9 FAM 42.67 PN7.1-2 Procedures for Taking Fingerprints

(TL:VISA-421; 06-03-2002)

- a. Verify the identity of the person being fingerprinted.*
- b. Retrieve the prepared fingerprint card from the petition file, if supplied, or create a new one if necessary, ensure information on prepared card is correct.*
- c. Have the applicant sign the fingerprint card; type in any aliases; and have the person taking the fingerprints sign and date the card.*
- d. Print each finger in the correct sequence (the card indicates right and left hand). Using light pressure, roll each finger from nail to nail to ensure legibility. If the prints are illegible, the FBI will reject them for processing, causing a delay in the processing of the applicant's case.*
- e. Complete the lower blocks by taking simultaneous impressions as noted on the card. (The best impressions are obtained when the applicant's fingers are clean and dry.)*
- f. To avoid delays, verify that the prints are clear, complete and legible before the applicant leaves the building. Posts should refer to the FBI publication "Technique for Taking Good Fingerprints."*

9 FAM 42.67 PN7.2 Preparing and Mailing the Fingerprint Card

(TL:VISA-421; 06-03-2002)

The employee taking the fingerprints must prepare the card for mailing as indicated below:

- a. In the ORI Field on the card print or type ONLY the identifier listed below:*

"USNHNVCOZ, DOS/NVC PORTSMOUTH, NH"

NOTE: *The FBI has informed us that fingerprint cards used for the defunct Fingerprint Pilot Program are still acceptable. If posts use this card, they must obliterate the words "PILOT PROGRAM" and change the ORI to read as indicated above.*

- b. Print the NVC case number In the field labeled "YOUR NO. OCA"; the first three characters must be the post code that identifies the post submitting the prints. For petitions filed overseas, that field must contain the post-generated case number beginning with the three-letter post code.*

- c. *Submit the fingerprint card directly to the FBI as indicated below, (except as specified in paragraph "d" below);*

*Federal Bureau of Investigation
Criminal Justice Information Services
1000 Custer Hollow Road
Clarksburg, WV 26306*

- d. *In possible QW (Warrant) Cases submit fingerprints to:*

*NVC, Attention: FBI Liaison
32 Rochester Avenue
Portsmouth, NH 03801-2909*

- e. *Complete all required fields on the card. These fields are:*

- (1) Subject's name (last, first, middle);*
- (2) Subject's date of birth;*
- (3) Any aliases;*
- (4) The reason for fingerprinting (e.g. immigrant visa).*

- f. *Ensure that the card is signed by the person taking the prints.*

The FBI will send a printout of the information resulting from the fingerprint check to NVC for forwarding to the post.

9 FAM 42.67 PN7.3 Fingerprinting to Confirm an NCIC Hit

(TL:VISA-421; 06-03-2002)

When taking fingerprints to confirm an NCIC hit, post should use the form of the applicant's name and the date of birth which appears on the application. Do not use the name on the NCIC Index Record.

9 FAM 42.67 PN7.4 Ordering Fingerprint Cards

(TL:VISA-421; 06-03-2002)

Except for the ten former fingerprint pilot posts, NVC supplies one card for each applicant requiring fingerprints with the case file sent to the post. The FBI only supplies the standard untreated Form FD-258, (Applicant Fingerprint Cards - Blue Ink), but accepts the treated (inkless) version for

processing. All posts must have their own supply of cards for handling warrant cases and any VISAS HAWKS that require fingerprinting. Untreated cards may be ordered from the General Services Division of the Bureau of Consular Affairs (CA/EX/GSD). If post prefers to use the inkless version, posts should request the cards directly from:

*DACTEK INTERNATIONAL INC.
8117 Orion Avenue
Van Nuys, CA 91406
Phone: 818-787-1901
Fax: 818-988-9776*